

IN RE:  
RAFAEL RIVERA ORTIZ

CASE NO. 10-03082-BKT

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,724.00   Fees paid: \$1,283.65   Fees Outstanding: \$1,440.35</b>
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With respect to the proposed (amended) Plan dated: **5/9/2011** (Dkt 38).

Plan Base: **16,520.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Arrears under proposed plan as of this date totals \$315.00 (1 month) after requesting a four (4) months period without payments. Last payment made by debtor, received and credited in Trustee office was on 12/31/10 in the amount of \$175.00.

- Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021].

No proof of claim has been filed by (or/on) behalf of BPPR MORTGAGE for post petition arrears incurred by debtor. Trustee needs such claim in order to determine feasibility of plan base.

- Notice Failure :The Plan fails to comply with Rule 2002(b) (2), 21 days notice advising of the time fixed to file objections and the hearing to consider confirmation.

- Other/Comments

Under proposed plan debtor is requesting a four (4) months period without payments. No reasonable justification has been given in order to excused debtor's default with the terms of the plan.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this May 17, 2011.

/s/ Jose R. Carrion

JOSE R. CARRION

ms

CHAPTER 13 TRUSTEE  
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